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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,765	06/28/2001	Muniyapla Eswarappa	2551.2	3454

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EXAMINER

GREENE, JASON M

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 04/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/892,765

Applicant(s)

ESWARAPPA, MUNIYAPLA

Examiner

Jason M. Greene

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 03 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 3-7 is/are allowed.
- 6) ☐ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 28 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Response to Arguments

1. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the plural filters being used simultaneously) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by French Patent FR 747,042.

FR 747,042 discloses a filter platform for allowing attachment of a plurality of air filter units thereto, the filter platform comprising a substantially hollow outer housing,

the housing forming a chamber within the platform, the housing having a first opening (3) at one end for engaging the platform with a respirator so as to allow air to flow between the chamber and the respirator, and two second openings (1,2) for engaging the platform with the plurality of air filter units so as to allow filtered air to flow into the chamber, a respirator connection member (not numbered, threaded portion of 3) located in association with the first opening, the respirator connection member being structured to sealingly engage the first opening to an input of the respirator, and a filter connection member (not numbered, threaded portions of 1 and 2) located in association with the two second openings, the filter connection member being structured to sealingly engage the two second opening with the plurality of filter units in Figs. 1 and 2 and page 1, col. 1, line 1 to page 2, col. 1, line 15.

The Examiner agrees with Applicant's argument that the FR 747,042 reference uses a valve to allow air to flow through one of the second openings while blocking off the other of the second openings. However, claim 1 only requires that the platform have at least one second opening for attaching a plurality of filter units to the platform. Claim 1 does not require that the air be allowed to flow through the plurality of filter units simultaneously. Since FR 747,042 teaches a platform having two second openings for attaching two filter units to the platform, FR 747,042 anticipates claim 1.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over French Patent FR 747,042 in view of Palazzotto et al.

FR 747,042 does not disclose the housing having a third opening at an end of the housing opposite the first opening, the third opening having means for opening and closing the third opening, said third opening being adapted to selectively receive a sensor or structure for introduction of injectables into the chamber.

Palazzotto et al. discloses a similar filter platform having a substantially hollow outer housing (70) having a third opening (not numbered, aperture through which leads 76 pass) at an end of the housing opposite the first opening, the third opening having means (76) for opening and closing the third opening, said third opening being adapted to selectively receive a speech sensor (74) in Figs. 3-6, col. 6, lines 30-59, and col. 7, line 7 to col. 8, line 32. The leads (76) are seen as being means for opening and closing the third opening since the opening is open before the leads are inserted and the opening is closed after the leads are inserted.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the third opening, speech sensor, and leads of Palazzotto et al. into the filter platform of FR 747,042 to provide means for allowing the wearer of the respirator to communicate orally, as suggested by Palazzotto et al. in col. 1, line 10 to col. 3, line 40.

Allowable Subject Matter

6. Claims 3-7 are allowed.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Greene whose telephone number is (703)

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308-6240. The examiner can normally be reached on Tuesday - Friday (7:00 AM to 5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (703) 308-3318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Jason M. Greene
Examiner
Art Unit 1724



jmg
April 25, 2003

PRIMARY EXAMINER

Handwritten initials and date:
D-TH
4-28-03